

# EXHIBIT E

# GIBSON DUNN

Gibson, Dunn & Crutcher LLP

200 Park Avenue  
New York, NY 10166-0193  
Tel 212.351.4000  
www.gibsondunn.com

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Kate Dominguez  
Direct: +1 212.351.2338  
Fax: +1 212.716.0839  
KDominguez@gibsondunn.com

## VIA E-MAIL

Rena Andoh  
Sheppard, Mullin, Richter & Hampton LLP  
30 Rockefeller Plaza  
New York, NY 10112

Re: Moog, Inc. v. Skyrise, Inc. et al., No. 22-cv-187 (W.D.N.Y.)

Counsel:

We write regarding two productions Skyrise is making today pursuant to the parties' March 11, 2022 Stipulation and Order (ECF Nos. 25, 28) (the "March 11 Order"). Skyrise is undertaking a diligent search for any Moog non-public information, and its investigation of Moog's allegations in this action remain ongoing. As it relates to today's two productions, we further reviewed results from a search of Skyrise's Google Drive repository, as well as results from new searches of Skyrise-issued laptops and email accounts of additional former Moog employees.

Today's two productions include (i) ostensibly non-public Moog information we located in Skyrise's possession that we are producing to Moog; and (ii) non-human-readable files we located in Skyrise's possession that may (but do not necessarily) reflect non-public Moog information, which we are producing to the neutral forensics firm, iDiscovery Solutions ("iDS"), pursuant to the March 11 Order, due to the fact that these non-human-readable files may also contain or reflect Skyrise's non-public information. In addition, we are producing to iDS two Skyrise-issued laptops used by Alin Pilkington. The contents of these productions are described in further detail below.

As Skyrise continues reviewing its document and code repositories, and further searches Skyrise-issued devices and email accounts of former Moog employees, Skyrise will produce any information responsive to the March 11 Order to Moog and/or to iDS.

## **Production to Moog**

Skyrise is producing to Moog two categories of documents that ostensibly contain non-public Moog information. The first category consists of documents that appear to contain non-public Moog information that Moog voluntarily provided to Skyrise pursuant to the parties' 2018 and 2019 Proprietary Information and Nondisclosure Agreements (the "NDAs"). *See* Compl., Exs. C and D (Dkts. 1-3, 1-4). The NDAs require the destruction or return of Moog information provided thereunder only upon expiration of the agreements' 10-year terms, or their termination. *See id.* Ex. C (10/24/2018 NDA ¶ 5), Ex. D (3/15/2019 NDA ¶ 4). Because

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the NDAs have neither been terminated nor expired, Skyryse's possession of non-public Moog information acquired through the NDAs is lawful and in compliance with those agreements. Out of an abundance of caution given the broad language of the March 11 Order, Skyryse is returning any such documents containing non-public Moog information that Skyryse has identified based on its investigation to date. *See* March 11 Order ¶ 3. The second category of documents Skyryse is producing to Moog consists of documents that appear to contain or possibly contain non-public Moog information, and for which we have not yet seen any indication they were provided by Moog pursuant to the NDAs.

The beginning bates production numbers for the documents that ostensibly or potentially reflect Moog non-public information are set forth in the following table. Even though the family members of these documents are not identified by bates number in the table below do *not* contain any non-public Moog information, and therefore do not fall within the scope of the March 11 Order, Skyryse is producing all family members for context and to avoid splitting families.

	Beginning Bates
<b>Documents Reflecting Non-Public Moog Information Provided To Skyryse Pursuant to the NDAs</b>	SKY_00000005; SKY_00000025; SKY_00000027; SKY_00000041; SKY_00000080; SKY_00000252; SKY_00000255; SKY_00000257; SKY_00000258; SKY_00000259; SKY_00000260; SKY_00000262; SKY_00000363; SKY_00000364; SKY_00000366; SKY_00000371; SKY_00000396; SKY_00000420; SKY_00000435; SKY_00000448; SKY_00000465; SKY_00000488; SKY_00000489; SKY_00000491; SKY_00000503; SKY_00000508; SKY_00000569; SKY_00000579; SKY_00000590; SKY_00000591; SKY_00000592; SKY_00000595; SKY_00000693; SKY_00000695; SKY_00000754; SKY_00000756; SKY_00000788; SKY_00000815; SKY_00000821; SKY_00000835; SKY_00000840; SKY_00000851; SKY_00000865; SKY_00000876; SKY_00000903; SKY_00000922; SKY_00000937.
<b>Other Documents Ostensibly or Potentially Containing Non-Public Moog Information</b>	SKY_00000065; SKY_00000888; SKY_00000110; SKY_00000122; SKY_00000128; SKY_00000134; SKY_00000140; SKY_00000145; SKY_00000148; SKY_00000179; SKY_00000211; SKY_00000219.

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Skyryse's production to Moog of any non-Moog documents is conditionally designated pursuant to Moog's last proposed Protective Order, *see* 4/19/2022 Ltr. from Moog to M.J. McCarthy, Ex. G, until a Protective Order is entered in this case (at which point this production will be governed by that Protective Order, to the extent it differs from Moog's current draft).

Please let us know if you have any difficulty accessing the production.

### Production to iDS

Skyryse is producing to iDS the following two Skyryse-issued laptops belonging to Alan Pilkington:

- A Dell Latitude Laptop, Model 9520 (Host Serial CXQV5J3);
- An Apple MacBook Pro (Host Serial J09VPJ6WDF).

Skyryse is also producing a Seagate Ultra touch USB hard drive (Host Serial NAB25NZH) containing 568 non-human-readable files that may (but do not necessarily) contain or reflect Moog non-public information and may also contain or reflect Skyryse information.

Because Skyryse cannot yet know if any documents being produced indeed represent non-public Moog information, or non-public Moog information that Moog did not willingly provide, or allow to be provided, to third parties, no admission is being made at this time, and no admission should be inferred, by the this production. Skyryse reserves all rights.

Sincerely,



Kate Dominguez